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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,773	01/29/2002	Roland Burkle	WE10023	6389

7590

06/05/2003

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EXAMINER
BLACKWELL RUDASIL, GWENDOLYN A

ART UNIT	PAPER NUMBER
1775	10

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/030,773	BURKLE ET AL.	
	Examiner	Art Unit	
	Gwendolyn A. Blackwell-Rudasill	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). See also MPEP 2173.05(c). Examples of claim language, which have been

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held, to be indefinite are (A) “a temperature of between 45 and 78 degrees Celsius, preferably between 50 and 60 degrees Celsius”, which is analogous to the narrow/broad limitations used in claims 5 and 6. It is not improper to claim narrower limitations in subsequent dependant claims. Appropriate correction is required. To further examination, the claims will be according to their broadest interpretation in light of the claims.

4. Claim 3 recites the limitation "the streak" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

5. Claim 1 is objected to because of the following informalities:

The inclusion of the phrase “for example displays” renders the claim confusing as it is not clear the metes and bounds of the invention Applicant is seeking to protect. If the film can be used in a display, that limitation should be included in a separate claim.

6. Claims 3, 8, and 10-11 are objected to because of the following informalities:

Description of examples and preferences is properly set forth in the specification rather than in a single claim. A narrower range or preferred embodiment may also be set forth in another independent claim or in a dependent claim. If stated in a single claim, examples and preferences lead to confusion over the intended scope of the claim. *MPEP 2173.05(c)*. It is suggested to limit the preferences to subsequent dependent claims. To further examination, the claims will be examined according to the broadest interpretation in light of the claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent no. 6,287,674, Verlinden et al in view of United States no. 6,322,860, Stein et al with International Application Publication no. WO 99/21707, WO '707 used as evidentiary support.

Verlinden et al disclose a laminate comprising a thin glass substrate, with a support layer that can be an organic resin such as polycarbonate or polyether sulphon wherein the support layer has a thickness of less than 250 μm . However when the support is used in high-temperature processes the support can be very thin on the order of 10-50 μm in thickness. The glass laminate structure can be used in flat panel displays, (column 5, lines 45-65 and column 10, lines 35-45). The glass substrate can have a thickness ranging from 10-450 μm , (column 15, claim 1, line 3). Verlinden et al do not specifically disclose the surface waviness or roughness, transmission, or the temperature resistance of the film.

Stein et al disclose a plastic substrate with polymer coatings used for display applications. It is known in the art the substrates that display devices can be made out of glass with the thickness of the glass typically being in sheets or films less than 1 mm because of the optical

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clarity and flatness, (column 1, lines 38-46). The sheet waviness of the polymer coating should be less than 0.05 microns having a roughness of less than 5 microns, (column 5, lines 51-65). In addition, the optical retardation is most preferably less than 5nm, (column 6, lines 7-18).

Verlinden et al and Stein et al disclose laminated articles that can be used in displays. Although Stein et al teaches away from using a glass substrate, it is known in the art to use a glass substrate for a display. WO '707 demonstrates that a laminate of glass and plastic are used in flat panel displays, abstract.

As such, it would have been within the skill of one in the art to modify the invention of Verlinden et al with the surface properties (e.g. waviness and roughness) of the substrate of Stein et al to create a glass/polymer laminate that has certain optical clarity and flatness that can be used in displays as the glass substrate protects the polymer film from scratches, moisture, etc, and the polymer film protects the glass from breakage, (Verlinden et al, abstract). Having little to no waviness or roughness creates a flatness in the panel reduces the distortion of the picture.

Because the polymer film of Verlinden et al can be a polycarbonate or polyether sulphon and the thickness falls within the parameters as exemplified by Applicant, the film would exhibit a modulus of elasticity, film transmission and temperature resistance as exemplified by Applicant. Absent an evidentiary showing to the contrary, the addition of the claimed physical properties do not provide distinction over the prior art.

Absent a showing of criticality with respect to the addition of the polymer to the edge of the glass film (a result effective variable), it would have been obvious to a person of ordinary skill in the art at the time of the invention to adjust the placement of the polymer layer with respect to the surface and edge surfaces of the glass film through routine experimentation in order to achieve a glass substrate that would not crack under normal processing and operating

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conditions. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn A. Blackwell-Rudasill whose telephone number is (703) 305-9741. The examiner can normally be reached on Monday - Thursday; 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (703) 308-3822. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gwendolyn A. Blackwell-Rudasill
Examiner
Art Unit 1775

gbr
May 28, 2003


DEBORAH JONES
SUPERVISORY PATENT EXAMINER